

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**JAMES PENN,**  
**Plaintiff,**

**v.**

**H. BREWER,**  
**Defendant.**

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)

**Civil Action No. 7:15-cv-00039**

**ORDER**

**By: Hon. Michael F. Urbanski**  
**United States District Judge**

In accordance with the Memorandum Opinion entered this day, it is hereby

**ORDERED**

that Brewer's motion for summary judgment is **DENIED**.

The Clerk shall set this matter for a bench trial in the Big Stone Gap Division and send copies of this Order and the accompanying Memorandum Opinion to the parties.

Entered: October 29, 2015

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge